

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRUSTEES FOR THE MASON TENDERS DISTRICT	:	
COUNCIL WELFARE FUND, PENSION FUND,	:	
ANNUITY FUND AND TRAINING PROGRAM	:	
FUND, et al.,	:	
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Petitioners,	:	
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SPERANZA BRICKWORK, INC.,	:	
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Respondent.	:	
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15-CV-3963 (JMF)

MEMORANDUM OPINION
AND ORDER

JESSE M. FURMAN, United States District Judge:

On May 22, 2015, Petitioners filed a Petition to Confirm Arbitration, styled as a Complaint against Respondent. (Docket No. 1). On June 25, 2015, the Court set a briefing schedule for Petitioners' submission of any additional materials in support of the Petition, Respondent's opposition, and Petitioners' reply. (Docket No. 4). In accordance with the Court's Order, Petitioners served Respondent with the Petition, supporting materials, and the briefing schedule. (Docket No. 5). Pursuant to the briefing schedule, Respondent's opposition was due no later than July 23, 2015. (Docket No. 4). To date, Respondent has neither responded to the petition nor otherwise sought relief from the Award.

The Court must treat the Petition, even though unopposed, "as akin to a motion for summary judgment based on the movant's submissions." *Trustees for Mason Tenders Dist. Council Welfare Fund, Pension Fund, Annuity Fund & Training Program Fund v. Capstone Const. Corp.*, 11-CV-1715 (JMF), 2013 WL 1703578, at *2 (S.D.N.Y. Apr. 19, 2013)

(discussing in depth the legal standards for resolving unopposed petitions to confirm arbitration awards). After reviewing the petition and the supporting materials, the Court finds that there is no genuine issue of material fact precluding summary judgment as to all portions of the Award, as the Arbitrator's decision provides more than "a barely colorable justification for the outcome reached." *Id.* at *3 (internal quotation marks omitted). Nor is there any justification under Section 10(a) of the Federal Arbitration Act for vacating the Award. Accordingly, the Court grants Petitioners' unopposed petition to confirm the entire Award.

Petitioners are directed to submit a proposed Judgment consistent with this Memorandum Opinion and Order to the Orders and Judgments Clerk of this Court by **August 12, 2015**.

SO ORDERED.

Dated: August 5, 2015
New York, New York



JESSE M. FURMAN
United States District Judge